

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BRIDGET A. JERNIGAN,)	
)	
Plaintiff,)	2:04-CV-00973-DRB
)	[WO]
vs.)	
)	
JO ANNE B. BARNHART,)	
)	
Defendant.)	

ORDER ON MOTION

On December 19, 2005, this court entered a *Final Judgment* remanding this case to the Commissioner of Social Security for further proceedings pursuant to *sentence four* of 42 U.S.C. §405(g). (Docs. 17 and 18). Submitted now is the Plaintiff's uncontested¹ *Motion for Attorney's Fees* filed on March 20, 2006 (Doc. 20).

Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412, Plaintiff seeks a total award of \$3,461.85 for attorney's fees to counsel of record, Georgia H. Ludlum, at an hourly rate of \$147.00.² The court finds that Plaintiff's motion is timely filed and that she is a "prevailing party" within the meaning of 28 U.S.C. §2412(d)(1)(A), in that pursuant to the *Order and Judgment* filed December 19, 2005 the court remanded this case for further consideration pursuant to *sentence four* of 42 U.S.C. §405(g). Plaintiff has documented

¹The Commissioner "has no objection to Plaintiff's application for fees under the Equal Access to Justice Act, 28 U.S.C. §2412, in the sum total of \$3,461.85." (*Defendant's Response*, Doc. 24, filed April 3, 2006).

²Plaintiff's fee itemization reflects a total of 23.55 hours of services rendered between October 6, 2004 and March 20, 2005.

increases in the consumer price index which authorize an increase from the \$125 hourly fee specified in the EAJA to the requested hourly rate as an adjustment for inflation. Plaintiff's requested hourly rate is reasonable as are the hours expended for legal representation.

Accordingly, it is the **ORDER, JUDGMENT, and DECREE** of this court that the *Plaintiff's Motion for Attorney's Fees* (Doc. 20) is **GRANTED** in the total amount of **\$3,461.85**, payable to Plaintiff's counsel, the law offices of Georgia H. Ludlum.

DONE this 12th day of April, 2006.

/s/ Delores R. Boyd

DELORES R. BOYD

UNITED STATES MAGISTRATE JUDGE